

Saddle Up and Mediate

August 27, 2008 – Most Americans know that John Wayne, that squinty-eyed, quick-to-punch, beloved movie hero, did not negotiate. He certainly wouldn't attend mediation sessions for any disagreements he had with another cowboy or soldier. But then, that might explain why his films always found him up to his neck in trouble.

The FAAers in the Office of Civil Rights want their fellow employees to remember that it's important not to follow the John Wayne philosophy of life when it comes to workplace disputes. It only leads to more trouble, not to mention possibly a lot of money lost in attorney fees.

Gail Puckett, acting EEO training manager at the Mike Monroney Aeronautical Center, led a group discussion on alternative dispute resolution and mediation during Tuesday's afternoon session at the Aviation Safety Organization's All Managers Conference in Washington, D.C.

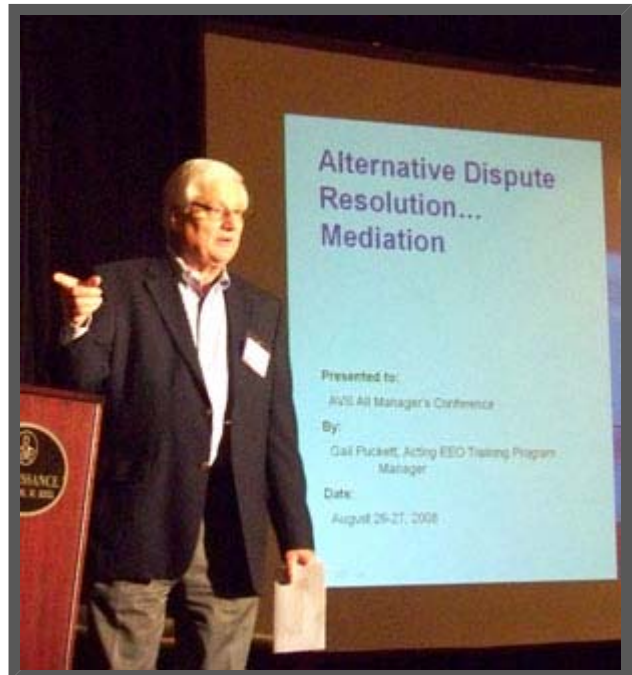
There have been 51 discrimination cases filed in the Aviation Safety Organization so far this year. Only two of those 51 were mediated through the EEO's alternative dispute resolution (ADR)

process. During the 90-minute session, Puckett set out to explain the benefits of ADR, particularly in light of the more commonly known — but extreme — result of seemingly insurmountable conflicts: litigation.

One of the main points Puckett stressed was the importance of open discussion to understand and potentially resolve conflicts. If discussion between the two main parties involved doesn't work, then it's a good idea to bring in a neutral third party to help facilitate talks.

"That's the key piece," Puckett said. "It's breaking down information in a way that everyone understands what the issue is, because oftentimes you may not even know what the real issue is."

Less than one-half of one percent of discrimination cases truly involve discrimination. That means that a tiny fraction of the 51 cases AVS has dealt with thus far is likely due to discriminatory behavior; other cases might be attributed to communications breakdown within the organization.



Jim Ballough, director of Flight Standards Service, opened the session.



Gail Puckett, acting EEO training manager, answered questions and encouraged discussion.

The FAA has a facilitative style of mediation. When a neutral party does become involved, he or she is there to promote dialogue, not make any sort of authoritative decision. The mediator has no decision-making power. There are several stages of the mediation process, which include different options for confidentiality, binding agreements, and possible resolutions. According to Puckett, about 98 percent of cases can be mediated.

“Unless you want to set a precedent, or you’ve got an extreme-case-of-law issue, or you’ve got a party in another line of business, mediation is the way to go,” Puckett said. “We have a 100 percent offering rate of mediation for the agency. What is abysmal is our participation rate.”

Puckett also debunked several other “mediation myths” at the conclusion of the session, and introduced new training programs that have recently been made available by the Office of Civil Rights. They include harassment prevention strategies, and manager responsibilities regarding the EEO complaint program and ADR.

Learn more about the programs at your local civil rights office.

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